

# PATENT COOPERATION TREATY

112 JUL 2005

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From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
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**PCT**

## NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing  
(day/month/year)

28 JAN 2005

Applicant's or agent's file reference

7071-00

### IMPORTANT NOTIFICATION

International application No.

PCT/US03/33919

International filing date (day/month/year)

24 October 2003 (24.10.2003)

Priority date (day/month/year)

25 October 2002 (25.10.2002)

Applicant

COLGATE-PALMOLIVE COMPANY

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

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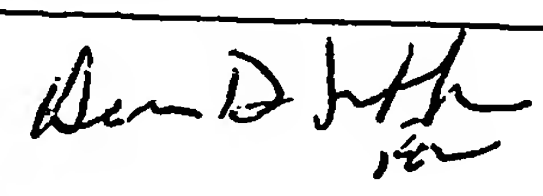
## PATENT COOPERATION TREATY

PCT

REC'D 31 JAN 2005

INTERNATIONAL PRELIMINARY EXAMINATION REPORT PCT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 7071-00	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/33919	International filing date (day/month/year) 24 October 2003 (24.10.2003)	Priority date (day/month/year) 25 October 2002 (25.10.2002)
International Patent Classification (IPC) or national classification and IPC IPC(7): A46B 17/04 and US Cl.: 15/184, 167.1; D4/113		
Applicant COLGATE-PALMOLIVE COMPANY		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of ___ sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 25 May 2004 (25.05.2004)	Date of completion of this report 19 January 2005 (19.01.2005)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Randall Chin  Telephone No. (571) 272-1700	

Form PCT/IPEA/409 (cover sheet)(July 1998)

**I. Basis of the report**

## 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed.
- ☒ the description:  
pages 1-15 as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
pages 16-19 as originally filed  
pages NONE, as amended (together with any statement) under Article 19  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the drawings:  
pages 1-3 as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
pages NONE as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-10, 14, 15</u>	YES
	Claims <u>11-13, 16-22</u>	NO
Inventive Step (IS)	Claims <u>1-10</u>	YES
	Claims <u>11-22</u>	NO
Industrial Applicability (IA)	Claims <u>1-22</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Please See Continuation Sheet

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

**V. 2. Citations and Explanations:**

Claims 11-13 and 16-22 lack novelty under PCT Article 33(2) as being anticipated by Andrews '144.

Andrews '144 teaches with respect to claim 11 a toothbrush 10 comprising a handle 13, a head 11 mounted to one end of the handle, the head clearly having a front face and a rear face, the head having opposite side walls and an intermediate end wall connecting the front face to the rear face, cleaning elements 14 mounted to and extending outwardly of the front face, a cover 20 made of a shape retaining material, mounting structure 23 or 30, for example, detachably securing the cover to the head on the front face side of the head, and the cover extending outwardly of the cleaning elements beyond the outer periphery of the cleaning elements and out of pressing contact with the cleaning elements (Figs. 2 or 4).

As for claims 12 and 13, the cover is mounted to the head so as to permit air flow and air circulation through the cleaning elements or bristles 14 (Figs. 2 or 4).

As for claim 16, the mounting structure comprises at least bowed strip or "post" 30 (Figs. 3 and 4) extending from the cover and engaged indirectly in a corresponding hole 26 in the front face of the head.

As for claim 17, the cover includes side legs or flanges 29 (Figs. 3 and 4) extending outwardly from each side of the cover to create a generally U-shaped structure.

As for claims 18 and 21, the cover is open at both axially longitudinal ends to create an open tunnel between the side flanges (Fig. 3).

As for claims 19 and 21, the cover includes an end wall or flange 43 at its remote end from the handle, and the cover being open at its end near the handle where slots are formed by flange wall 44 (Fig. 7).

As for claim 20, the mounting structure includes projections 30 on the side flanges engaged in openings in the side walls of the head as similarly recited in claim 16 above.

As for claim 22, the cover is of a size to completely cover the entire area of the outer ends of the cleaning elements (Fig. 4), and the cover being disposed to extend no further than the walls of the head whereby the cover does not extend to the rear face (Fig. 4).

Claim 14 lacks an inventive step under PCT Article 33(3) as being obvious over Andrews '144 in view of McNamee '521.

Andrews '144 teaches all of the recited subject as previously set forth with the exception of a visible ornamentation on the cover. McNamee '521 teaches visible ornamentation 150 (Fig. 3) on a toothbrush cover 120 (col. 6, lines 11-13). It would have been obvious to one skilled in the art to have provided Andrews' cover with visible ornamentation on the cover as suggested by McNamee '521 in order to make the toothbrush identifiable or just simply more aesthetically pleasing to the user.

Claims 11 and 15 lack an inventive step under PCT Article 33(3) as being obvious over Gruberg '290.

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Gruberg '290 teaches a toothbrush cover to be obviously used with a toothbrush comprising a handle, a head mounted to one end of the handle, the head clearly would have a front face and a rear face, the head having opposite side walls and an intermediate end wall connecting the front face to the rear face, cleaning elements mounted to and extending outwardly of the front face, a cover (Fig. 1) made of a shape retaining material, mounting structure, for example, detachably securing the cover to the head on the front face side of the head, and the cover extending outwardly of the cleaning elements beyond the outer periphery of the cleaning elements and out of pressing contact with the cleaning elements.

As for claim 15, the cover is deemed generally planar without any depending walls.

Claims 1-22 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.

Claims 1-10 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest all of the limitations of claim 1, particularly, a mounting structure detachably securing the cover to the toothbrush, and at least one interchangeable decorative overlay detachably connected to the cover.

----- NEW CITATIONS -----